



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2019

CORAM :

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.NO.32362 OF 2019

AND

W.M.P.NO.32666 OF 2019

R.Dinesh

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. by its Secretary,
Health and Family Welfare Department,
Fort St. George,
Chennai - 600 009.
2. The Director,
Indian Medicine and Homeopathy Department,
Arumbakkam,
Chennai - 600 106.
3. K.Gayathri

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned Government Order passed by the 1st respondent in G.O.(Valayam) No.1215 Health and Family Welfare (E.Ma2(1)) Department dated 12.11.2019 and quash the same as illegal, arbitrary in so far as the 3rd respondent is concerned in transferring her from Arignar Anna Government Hospital of Indian Medicine in the post of Pharmacist (Indian Medicine) to Employees State Insurance Corporation Hospital, Ayanavaram, Chennai as Pharmacist (Homeopathy) and consequently direct the respondents 1 & 2 to conduct transfer counselling in terms of G.O.(2D) No.131 Health and Family Welfare Department dated 20.11.2007.



WEB COPY

For Petitioner : Mr.B.Saravanan

For R1 : Mr.A.N.Thambidurai
Special Government Pleader

For R2 : Mr.V.Kadirvelu
Special Government Pleader

O R D E R

The case of the petitioner is that he is working as Pharmacist at Tambaram. He made a representation to the 2nd respondent for transferring him from Tambaram to Ayanavaram. However, his request was not considered and the 3rd respondent was transferred from Arumbakkam to Ayanavaram. Challenging this order of transfer, the petitioner has filed the present writ petition.

2.Learned counsel appearing for the petitioner would submit that though the petitioner has made representation for his transfer from Tambaram to Ayanavaram, his request was not considered, whereas, the 3rd respondent has been transferred from Arumbakkam to Ayanavaram even without any representation being made by her. Hence, the learned counsel contended that the impugned transfer order has to be set aside.

3.Mr.A.N.Thambidurai, learned Special Government Pleader, appearing for the 1st respondent brought to the notice of this Court that, despite giving representation to the Department of Indian Medicine and Homeopathy, the petitioner has also forwarded his representation to the Secretary to Government, Health and Family Welfare Department, through a politician, namely, Kovai Prakash, who has recommended for petitioner's transfer from Tambaram to Ayanavaram, whereas, the 3rd respondent, has submitted a representation to the Department in her individual capacity, citing the ailments of her mother who is undergoing dialysis treatment. Therefore, the representation of the 3rd respondent was considered sympathetically and was transferred from Arumbakkam to Ayanavaram and there is no mala fide intention behind the impugned order of transfer and prayed for dismissal of the writ petition.

4.Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents and perused the materials produced before this Court.



5.Considering the facts and circumstances of the case, this Court is of the view that the interests of the petitioner are not affected by the impugned order of transfer and further, the grounds raised by the petitioner are not valid and in the absence of any valid legal grounds and factual pleadings regarding mala fides in the impugned order of transfer, this writ petition deserves to be dismissed and accordingly, stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mkn

To

1. The Secretary,
Government of Tamil Nadu,
Health and Family Welfare Department,
Fort St.George, Chennai - 600 009.
 2. The Director,
Indian Medicine and Homeopathy Department,
Arumbakkam, Chennai - 600 106.
- +1cc to Mr.B.Saravanan, Advocate, S.R.No.99649
+1cc to the Government Pleader, S.R.No.99422

W.P.No.32362 of 2019

VGI (CO)
CS/10/01/2020